

ARKANSAS SUPREME COURT

No. CR 09-325

RICO BENTON
Petitioner

v.

UNNAMED CIRCUIT JUDGE
Respondent

Opinion Delivered May 7, 2009

PRO SE MOTION FOR RULE ON
CLERK TO FILE PETITION FOR WRIT
OF MANDAMUS WITHOUT NAMING
RESPONDENT [CIRCUIT COURT OF
HEMPSTEAD COUNTY, CR 94-108]

MOTION MOOT.

PER CURIAM

On March 5, 2009, petitioner Rico Benton tendered to this court a petition for writ of mandamus in which he sought a writ compelling the Circuit Court of Hempstead County to act on a pro se petition for writ of error coram nobis filed November 2, 2005. Petitioner noted that the circuit judge to whom the coram nobis petition had originally been assigned was no longer in office and contended that he had been unable to determine the judge to whom the petition had been reassigned. On March 19, 2009, petitioner filed the motion for rule on clerk that is now before us in which he seeks leave to file the mandamus petition without naming a respondent.

On March 31, 2009, the Circuit Clerk of Hempstead County provided this court a copy of an order entered by the Honorable Duncan Culpepper, Circuit Judge, on March 30, 2009, that disposed of petitioner's petition for writ of error coram nobis. Judge Culpepper said in the order that the petition had been assigned to Judge Keith Wood, who failed to rule on the petition while he was in office.

We take judicial notice that Judge Wood left office on December 31, 2006, approximately

one year and two months after petitioner filed the petition for writ of error coram nobis on November 2, 2005. As the petition was not ruled on by Judge Wood during the approximately fourteen months it was pending in his court, it should have been promptly assigned to Judge Wood's successor in office or another judge in the judicial district early in 2007.

As petitioner's coram nobis petition has been acted on by the court, the instant motion for rule on clerk is moot. We take this opportunity to remind the bench that the court has the obligation of ensuring that each matter filed receives a reasonably prompt disposition. *Cabral v. Keith*, 364 Ark. 456, 220 S.W.3d 683 (2005) (per curiam). As we have said before when there was an unwarranted delay in a court's acting on a pleading, all judicial districts are charged with developing and maintaining a system whereby judges are made aware of filings in their courts. *McCoy v. Phillips*, 357 Ark. 368, 166 S.W.3d 564 (2004) (per curiam). Those procedures should have in place a means by which any pleading not acted on by the judge to whom it was assigned before the judge leaves office is promptly assigned to his or her successor or another judge in the district. Otherwise, the pleading languishes without action and the petitioner is denied the efficient disposition that should be the hallmark of any judicial system. While we recognize that the delay in the instant case cannot be laid at the feet of just one person, because the procedures in place failed to ensure action on petitioner's petition, we encourage Judge Culpepper, in his capacity as the Administrative Judge for the Eighth North Judicial District, to assess the system in place in his judicial district and to take whatever steps are necessary to prevent future undue delays. We further urge all other Administrative Judges to examine the system in his or her district for assigning matters to determine that a change in judges does not occasion delay in the disposition of pleadings.

Motion moot.